



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kaiping Liu Docket No: TI-35564
Serial No: 10/664,271 Conf. No: 3422
Examiner: Edward Joseph Wojciechowicz Art Unit: 2815
Filed: 09/17/2003
For: SEMICONDUCTOR DEVICE HAVING AN IMPLANTED PRECIPITATE REGION AND A
METHOD OF MANUFACTURE THEREFOR

PETITION TO REVIVE PATENT APPLICATION
UNAVOIDABLY ABANDONED UNDER 37 CFR 1.137(a)

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAILING CERTIFICATE UNDER 37 C.F.R. § 1.8(a)

I hereby certify that the above correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 4-4-05.


Ann Trent

Dear Sir:

Applicant, through his Attorney, hereby petitions the Commissioner of Patents to revive the above identified application in accordance with the provisions of 37 CFR 1.137(a). A Notice of Abandonment was mailed February 9, 2005.

The Notice of Abandonment was based on Applicant's failure to respond to the Office letter mailed July 1, 2004. Applicant respectfully requests withdrawal of abandonment and entry of the Election filed herewith. The facts are as follows.

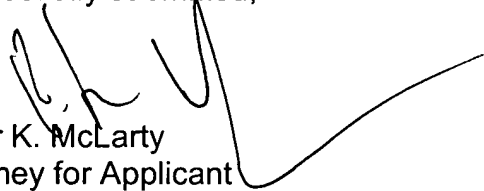
Applicant did not receive the Office letter containing the Election/Restriction requirement. Upon receipt of the Notice of Abandonment, Applicant checked PAIR for the file history and discovered that the Election/Restriction requirement was mailed in error to Oblon, Spivak, McClelland, Maier & Neustadt as shown on the attached copy of

the Office letter. Oblon Spivak, McClelland, Maier & Neustadt has never been associated with the present application and did not forward the Office letter to Applicant. It is unknown whether they notified the USPTO of their receipt of the Office letter.

Based on the foregoing, Applicant's failure to respond to the Office letter was unavoidable since Applicant never received it and could not have known it had been mailed. Applicant respectfully requests withdrawal of the abandonment and entry of the Election.

Applicant believes that no petition fee is due. However, this letter authorizes any necessary charges to the deposit account of Texas Instruments Incorporated, Account No. 20-0668, with the amount sufficient to revive the above identified application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. McLarty', with a long horizontal flourish extending to the right.

Peter K. McLarty
Attorney for Applicant
Reg. No. 44,923

Texas Instruments Incorporated
P.O. Box 655474, MS 3999
Dallas, TX 75265
(972) 917-4258



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,271	07/01/2004	Kaiping Liu	TI 35564	3422

22850 7590 07/01/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

WOJCIECHOWICZ, EDWARD JOSEPH

ART UNIT

PAPER NUMBER

2815

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kaiping Liu
Serial No: 10/664,271
Examiner: Edward Joseph Wojciechowicz
Filed: 09/17/2003
For: SEMICONDUCTOR DEVICE HAVING AN IMPLANTED PRECIPITATE REGION AND A METHOD OF MANUFACTURE THEREFOR

Docket No: TI-35564
Conf. No: 3422
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ELECTION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAILING CERTIFICATE UNDER 37 C.F.R. § 1.8(a)
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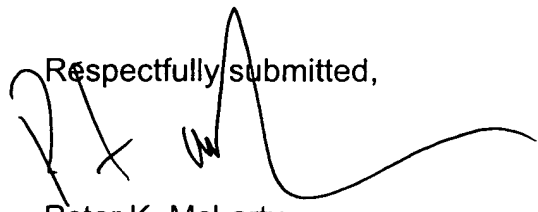

Ann Trent

Dear Sir:

This election is offered in response to the Examiner's restriction requirement mailed July 1, 2004.

Applicant hereby elects to pursue Group II of Claims 10-22, drawn to a method, without traversing the Examiner's restriction requirement.

Respectfully submitted,


Peter K. McLarty
Attorney for Applicant
Reg. No. 44,923

Texas Instruments Incorporated
P.O. Box 655474, MS 3999
Dallas, TX 75265
(972) 917-4258



Office Action Summary

Application N .

10/664,271

Examiner

Edward J Wojciechowicz

Applicant(s)

LIU, KAIPING

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9 and 23-28, drawn to a semiconductor device, classified in class 257, subclass 408.
- II. Claims 10-22, drawn to a method, classified in class 438, subclass 345.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the device of Group I can be made by an alternate method, such as by forming the gate prior to the dynamic defect.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J Wojciechowicz whose telephone number is 571-27-1739. The examiner can normally be reached on Monday through Wednesday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edward J Wojciechowicz
Primary Examiner
Art Unit 2815

EW: ew



EDWARD WOJCIECHOWICZ
PRIMARY EXAMINER
GROUP 2500